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CLERK OF THE  
DISTRICT COURT  
TERRY HALPIN  
2018 JUL 2 PM 3 42  
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DEPUTY

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

DURENE GREEN and SCOTT GREEN

Plaintiffs,

vs.

SAFECO INSURANCE COMPANY  
OF ILLINOIS,

Defendant.

DV 18-1010

CAUSE NO. DV \_\_\_\_\_

MARY JANE KNISELY

JUDGE \_\_\_\_\_

COMPLAINT

COME NOW Plaintiffs and for their claim against the Defendant, allege as follows:

1. Plaintiffs, Durene Green and Scott Green are individuals with residence in Yellowstone County, Montana.
2. Defendant, Safeco Insurance Company of Illinois, (hereinafter "Safeco") is an insurance company doing business in Yellowstone County, Montana.
3. Plaintiffs entered into an insurance policy with Defendant, which was renewed on

June 21, 2018, under Policy Number M1677131, to insure, among other things, a 2015 Chevrolet, VIN # 1G11G5SX4FF18F658.

4. Plaintiffs had purchased that motor vehicle new on April 9, 2015, from Hardin Chevrolet for \$34,652. The motor vehicle was a 2015 Chevrolet Malibu LTZ turbo charged sedan, pearl in color, with two miles on the odometer at the time of purchase.

5. On June 21, 2018, two deer ran into the 2015 Chevrolet Malibu while driving on Interstate 90 near Billings, Montana.

6. As a result of the collision the vehicle was determined to be a total loss.

7. Defendant provided a market valuation report, which was intentionally false. The loss vehicle had a backup camera, parking sensors and lane departure warning, which Defendant claimed it did not.

8. Defendant provided ten comparables to come up with a price for the motor vehicle. Only three of the alleged comparables had turbo chargers. Their prices were \$17,995; \$17,990 and \$19,497. N.A.D.A. Blue Book valued the motor vehicle at \$18,775.

9. On June 27, 2018, Safeco issue a check in the amount of \$14,017.60.

10. Defendant also put USBank, NA's name on the check when there is no lien on the vehicle.

#### **Count I - Breach of Contract**

11. Plaintiffs reallege paragraphs 1 through 10 above;

12. Defendant breached its insurance contract with Plaintiffs by failing to pay the actual value of the motor vehicle.

**Count II - Bad Faith**

13. Plaintiffs reallege paragraphs 1 through 12 above;
14. Defendant violated § 33-18-201, MCA, by its misrepresentation of pertinent facts with regard to the features and condition of the motor vehicle in question, and neglecting to attempt in good faith to effectuate a prompt fair and equitable settlement of the claim.

**Count III - Common Law Bad Faith**

15. Plaintiffs reallege paragraphs 1 through 14 above;
16. Defendant acted in bad faith under common law by failure to pay the true value of the motor vehicle despite having information and knowledge as to the actual value of the motor vehicle.

**Count IV - Punitive Damages**

17. Plaintiffs reallege paragraph 1 through 16 above;
18. Plaintiffs are entitled to punitive damages against the Defendant for reckless and intentional disregard of the damage caused by Defendant to the Plaintiffs.

WHEREFORE, Plaintiffs pray that the Court award Plaintiff relief as follows:

1. For a judgment in favor of the Plaintiffs against the Defendant for the value of the 2015 Chevrolet Malibu, VIN # 1G11G5SX4FF18F658;
2. For a judgment in favor of the Plaintiffs against the Defendant in an amount to be determined for Defendant's bad faith;
3. For a judgment in favor of the Plaintiffs against the Defendant in amount to be determined for Defendant's common law bad faith;

4. For a judgment in favor of the Plaintiffs against the Defendant for punitive damages;
5. For Plaintiffs' reasonable attorney fees and costs of suit; and
6. For such and further as the Court deems appropriate.

DATED this 2 day of July, 2018.

PATTEN, PETERMAN, BEKKEDAH & GREEN, PLLC  
2817 Second Avenue North, Suite 300  
Billings, Montana 59101

By: 

DANIEL L. SNEDIGAR  
Attorney for Plaintiffs

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY  
DURENE GREEN AND SCOTT GREEN,

Plaintiffs,

vs.

SAFECO INSURANCE COMPANY  
OF ILLINOIS,

Defendant.

CAUSE NO. DV DV 18-1010  
JUDGE MARY JANE KNISELY

**SUMMONS**

**THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE NAMED DEFENDANT:**

You are hereby summoned to answer the Complaint in this action which is filed in the office of the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Plaintiff's attorney within thirty (30) days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

WITNESS my hand and the seal of this Court, this 2<sup>nd</sup> day of July, 2018.

(COURT SEAL)

TERRY HALPIN,  
CLERK OF DISTRICT COURT

TERRY HALPIN

*Rebecca Halpin* Deputy Clerk

# COMMISSIONER OF SECURITIES & INSURANCE

MATTHEW M. ROSENDALE, SR.  
COMMISSIONER



OFFICE OF THE MONTANA  
STATE AUDITOR

July 10, 2018

CERTIFIED RETURN RECEIPT MAIL

Safeco Insurance Company of Illinois  
Corporation Service Company  
P.O. Box 1691  
Helena, MT 59601

Dear Corporation Service Company:

Attached is a *Summons and Complaint* in the case of:

DURENE and SCOTT GREEN,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF ILLINOIS,

Defendant,

originating in the District Court of the Thirteenth Judicial District of the State of Montana, in and for the county of Yellowstone.

Service of process was made July 5, 2018, upon the Commissioner of Securities and Insurance, Montana State Auditor, in conformity with the provisions of the Montana Code. Please contact Ramona Bidon at (406) 444-2726 with any questions.

Sincerely,

KRISTIN HANSEN  
Chief Legal Counsel

KH/rb

Enclosures

cc: Daniel L. Snedigar  
Attorney for Plaintiff